



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

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SENSITIVE

**MEMORANDUM**

**TO:** The Commission

**FROM:** Anthony Herman  
General Counsel

Daniel A. Petalas  
Associate General Counsel for Enforcement

Kathleen Gaith  
Deputy Associate General Counsel for Enforcement

**BY:** Mark Shonkwiler  
Assistant General Counsel

Camilla Jackson Jones  
Attorney

**SUBJECT:** MUR 5758 (Pierce O'Donnell) – Probable Cause Conciliation Agreement

2012 NOV 27 PM 2:48

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**I. INTRODUCTION**

Attached is a conciliation agreement by which Pierce O'Donnell ("Respondent") seeks to resolve knowing and willful violations of 2 U.S.C. § 441f in connection with making \$32,000 in campaign contributions in the names of others to the 2004 presidential campaign of John Edwards. Attach. 1. The Commission found probable cause to believe in February 2007. See First GCR; Certification (February 21, 2007).

The attached agreement provides that due to his current financial circumstances, Respondent will pay no civil penalty, but will admit to knowingly and willfully violating 2 U.S.C. § 441f. During negotiations, Respondent demonstrated that his financial circumstances have significantly deteriorated since the Commission's approval of the proposed conciliation agreement, and that he is unable to pay a civil penalty in this matter.

Respondent has submitted a sworn affidavit and financial documentation detailing the dissolution of his law firm, personal and business assets, as well as the amassing of considerable bank and personal loans, credit card and legal debts, including those associated with his criminal

1 defense and divorce and child custody litigation. Respondent's license to practice law in  
2 California is currently suspended, and he has recently served time in federal prison and a half-  
3 way house for his criminal nonvintiona related to the same activity involved in this matter.  
4 Respondent also contends that he has been diagnosed with medical conditions that make it  
5 difficult to work, and that his law firm is not presently generating any income.  
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3 Third, the following language in paragraph VI, which is consistent with Commission  
4 practice in similar prior matters, has been added to explain why the Commission will be seeking  
5 no civil penalty at this time:<sup>1</sup>  
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23 Therefore, we recommend that the Commission accept the attached  
24 signed conciliation agreement with Respondent Pierce O'Donnell, approve the appropriate  
25 letters, and close the file.  
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27 **III. RECOMMENDATIONS**  
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- 29 1. Accept the attached signed conciliation agreement with Pierce O'Donnell;  
30 2. Approve the appropriate letters; and  
31 3. Close the file.  
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<sup>1</sup> See MUR 6475 (McCrosson) (approving conciliation agreement where respondent was currently incarcerated, had significant debts, and no ability to generate income to pay a civil penalty); MUR 6219 (Kuhl for Congress) (approving conciliation agreement with no civil penalty where candidate lost, the committee's bank accounts were frozen, and the committee had no ability to raise funds).